THE CENTRAL LAWS (EXTENSION TO ARUNACHAL PRADESH) BILL, 1992

THE VICE-CHAIRMAN (SYED SIBTEY RAZ1) : Now, we will take up the Central Laws (Extension to Arunachal Pradesh) Bill, 1992. Shri S. B. Chavan.

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : I beg to move :

> That the Bill to provide for the extension of certain Central laws to the State of Arunachal Pradesh be taken into consideration.

Sir, the Bill seeks to provide for extension of certain pre-Constitution Central laws to the State of Arunachal Pradesh that could not be extended to that State So far. Arunachal Pradesh is mostly composed of hilly areas earlier known as the Nonh-East Trac.s inhabited by several tribes. These areas were separated from the then Darrang and Lakhimpur districts of the Province of Assam in the year 1914 under the Assam Frontier Tracts Regulation, 1880. In the year 1937, the sa.d Frontier Tracts came to be known collectively as the 'Excluded Areas" in the province of Assam under the Government of India (Excluded and Partially Excluded Areas) Order, 1936, issued under the pro visions of the Government of India Act, 1935. The Central laws would apply to these areas in the pre-Constitution days only if specifically extended by the Govern-nor.

When the Constitution of India came into force on the 26th January, 1950, thess. areas were covered by the provisions of the Sixth Schedule to the Constitution, which provided for considerably greater autonomy to Tribal Areas within the State of Assam. The North-Eastern Frontier Tracts were renamed as North-East Frontier Agency. The status of Union Territory was conferred on Arunachal Pradesh on 21-1-1972 under the provisions of the North-Eastern Areas Reorganisation Act, 1971. On 20th February, 1987, the Un'on Territory of Arunachal Pradesh became a full-fledged State of the Indian Union. 18—147 RSS/94

Some pre-Constitution laws were also extended to Arunachal Prauesh whenever occasions arose. However, a number of Central laws still remain to be extended to the State.

The Government of Arunachal Pradesh requested ..his Ministry to inmate action to enact legislation to extend various pre-Consttution Central Acts to Arunachal Pradesh. The reason given by them are as under :

> •Since our request is for extension of 18 pre-Constitu.ion Central Acts, about 10 Ministries have to be moved for extension of these laws. This course of action would be repetitive exercise by each Ministry to move the Parliament for extension of each law which may perhaps be a long-drawn-out process and may even take years. It would be more convenient and easier if the Home Ministry could co-ordinate and move the Parliament for extension of the proposed laws."

The pace of planned economic development in Arunachal Pradesh has been accelerated over the years and consequently, greater activities are taking piace in fields of trade, commerce, industry and communications. Some of these act vities require regulation by law as in other States. The list of laws proposed to be extended to Arunachal Pradesh would cleany show the need. For example, there is a Railway Out-Agency at I.anagar whose functioning would require extension of the Indian Railway Board Act, 1905. Similarly, in view of mining activites, it is necessary that the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, the Explosives Act, 1904 and the Explosive Substances Act, 1908 are made applicable. Likewise, telegraph lines can be laid under and over private or public property only with the authority available under the Indian Telegraph Act, 1885. The list of Acts proposed to be extended has been prepared after carefully considering the need for each of them, in the special context of the requirements for development af these areas. The list of laws proposed to be extended to Arunachal Pradesh is appended with the Bill.

With these words, Sir, I beg to move that the Bill be taken into consideration.

The question was proposed.

SHRI W. KULABIDHU SINGH (Manipur) : Thank you, Mr. Vice-Chairman. *I* take this opportunity to express my views on this very important Bill for the deve~ lopment of commerce and industry as brought forward by the honourable Home Minister.

Now I have some reservations on the points made by the honourable Home Minister regarding the rapid expansion of trade, commerce and industry. To my knowledge, there is absolutely no improvement in the communications, trade and commerce in that area, the NEFA area as it was formerly called. Now it has been named as Arunachal Pradesh since April, 1972.

Now, a uniform Civil Code is the basic idea which almost all the political parties are supporting. While supporting the idea of uniform Civil Code and the uniformity of laws throughout India, it should be kept in mind that the Anglo-Saxon legal system contemplates that the electorate is advanced, literacy is high, and the parliamentary democracy is fit in allowing the advancement of these citizens. But in Arunachal Pradesh, so to say, it is a dead word. Still a vast section of the population is not properly clad. I cannot say that they are naked. A vast section of the people is not properly clad. Now, keeping the idea of uniformity of laws throughout India, these enactments need to be extended. I endorsed it by and large. But we must keep in mind that the progress of the people should be kept in mind and that this Anglo-Saxon legal system fits in with the advancement of the population. But the population there is not still advanced. There is no expansion of communication system. No railwayline is so far connected. Even after 45 years of India's independence, no rail connection is made to reach Itanagar. When the Railway Convention Committee report was being discussed, -*I* requested the Railway Minister to connect Manipur also with the Indian railway system. The reply was very pathetic. While I was speaking about the rail connection with Manipur, the hon. Railway Minister, Mr. Jaffer Sharief said, "We are trying to see that this metregauge railwayline is converted into broadgauge from Guwahati to Lumding and to Dibrugarh, etc." The hon. Railway Minister, and for that matter, the Government of India is not much aware of the situation, the topography, the demography of the North Eastern region. So, my request is that these North Eastern areas should not be neglected. This extension of the Central laws can be made by the Parliament within one hour, within half an hour. But extension of the railwayline, extension of communications, extension of economic development and extension of industrial development is the prime need of the people of the North Eastern States, including Arunachal Pradesh and Manipur. So, while supporting this important Bill, I would like to request the hon. Home Minister and the Central Government to think not merely the extension of laws, but more so of extension of communications, extension of railwaylines, extension of economic development and extension of industrial development in these areas.

Therefore, Sir, my first submission is that while endorsing the concept of uniformity of laws, I would say that some intricate and delicate laws should not be extended. Of course, fortunately, in this extension Bill, the Indian Evidence Act, the Transfer of Property Act, the Indian Legislation Act, etc. are not included. When the people are not advanced, if the laws, based on the Anglo-Saxon legal system, are extended, these laws will not fit in with the people, and it will create some anamolous situation. And enforcement of the legal system would be difficult. So, with these reservations about the extension of the rail connection and the extension of the economic development, I broadly endorse this Bill for extension of the Central laws to Arunachal Pradesh. And I request the Government of India for the development of the economic condition of the people, the living conditions of the people and immediate rail connection in these areas, and also tome financial assistaace. Extension of railway line is the first need of the people of those areas and the Government should keep it in mind. With these words, I support this Bill.

SHRI INDER KUMAR GUJRAL (Bihar) ; I would like to take a couple of minutes.

SHRI S. B. CHAVAN : My Demands are going on in the Lok Sabha and I am sitting here getting all the Bills passed. Kindly keep this in mind.

SHRI INDER KUMAR GUJRAL: I will take one minute only. I take this minute only to point out the obsolescence of our laws. They are not being updated. If you look at the schedule, you will find that some laws were made in 1862, some in 1881, some in 1874...........

SHRI KAMAL MORARKA (Rajasthan) ; But they are better drafted.

SHRI INDER KUMAR GUJRAL: I am talking of their relevance. I think something should be done to look at them and I don't think somebody has examined them. The more ridiculous thing is if you look at Arunachal, as my friend, Mr. Kulabidhu Singh pointed out, you are going to apply Indian Railway Board Act, 1905; you are also going to extend Indian Railway Local Authorities Taxation Act. What is this ? Railways is hundreds of miles away from Arunachal and you are going to extend these laws to the place ! One looks ridiculous while drafting these Bills and I do hope that people who draft the Bills do have some sort of a look at the Bills. And while passing them also, we look ridiculous.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Mr. Gautam, kindly complete it in five minutes.

श्री संघ प्रिय गौतम (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, मेरे लायक दोस्त मिस्टर जैन को इस पर अपने विचार रखने थे लेकिन वह आवश्यक कार्य की वजह से नहीं आए। जैसा श्री गुजराल साहब ने कहा यह बाबा आदम के जमाने के कानून हैं और इस समय बहुत से परिवर्तनों की आवश्यकता भी हो सकती है। अरूणाचल प्रदेश आज प्रदेश नहीं बना, उसको प्रदेश बने हुए काफी समय हो गया। मेरी समझ में यह बात नहीं आई कि अरूणाचल के लोगों की तरफ से इसी समय यह क्यों प्रार्थना की गई कि इन कानूनों का लाभ अरूणाचल प्रदेश को मिले और उन सात प्रदेशों में यह कानून लागू किए जाएं ? यह पहले से उनकी प्रार्थना क्यों नहीं आई और भारत सरकार का ध्यान इतने अरसे के बाद ही क्यों आया ? इसके पीछे भारत सरकार की मुख्य मंशा क्या है? अरूणाचल प्रदेश बड़ा संवेदनशील प्रदेश है और यह बिल्कुल बोर्डर पर है। मैं एक ही प्रार्थना करना चाहूंगा, जैसा हमारे लायक दोस्त ने, जो अरूणाचल से आते हैं, उन्होंने कहा कि अगर इसके पीछे मंशा अरूणाचल प्रदेश के विकास की है, वहां पर रेलवे लाइन को पहुंचाने की, वाणिज्य, ट्रेड और कामर्स को फैलाने की, उद्योगों को लगाने की, प्रगति की है, तो वास्तव में जो सेंट्रल लाज हैं, उनका फायदा अरूणाचल प्रदेश को पहुंचना चाहिए और ज्यादा कानून जो कानून हैं, उन पर पुनर्विचार करना चाहिए और उसके बाद में संशोधित कानून इस शेड्यूल के अंदर लेने चाहिए। इन्हीं शब्दों के साथ मैं इसका समर्थन करता हूं।

SHRI KAMAL MORARKA : I am sorrv to strike a discordant note with mv esteemed colleaeue. Mr Guiral and Mt. Gautam. I think the intension is that there are lots of laws in this countrv which were oassed in 1882 or 1800 and most of those laws, from mv experience, are much bettet dr?f»ed. They take a very very broad view and they are relevant even today. On the other hand. I see manv of the legistions that we are passing now and oassed in the last ten years. come up for freauent amendments because some lacuna is left there and the drafting is bad. So. I don't think, merelv because the law was oassed in 1800 *or* 1905. should eive us the feeling that the law is obsolete. If those laws need amendments, we can *do* it. I think the purpose of extending it to Arunachal is *to* fulfil the wishes of the people there and as my friend, Mr. Kulabidhu Singh said, if we want a railway line there, this has to be extended. If you want com-municaions there, the Telegraph Act has to be exended there. Therefore, my point is, the drafting is quite good and I do not think we should rush into amending these laws merely because they were enacted many years ago. We have, for example, the Indian Penal Code. We have the Code of Civil Procedure. We have the Nego-Criminal Procedure. We have the Negotiable Instruments Act. We have several other such Acts. These Acts have stood the test of time. They are much more efficient and well-drafted. This is the point I wanted to make.

SHRI S. B. CHAVAN : Mr. Vice-Chairman, Sir hon. Members, though they have supported this Bill, have mentioned some other aspects. I quite see- their point. More attention needs to be paid to the North-Eastern Region. In fact, railway facilities and communication facilities need to be extended to that area and all-round deve-lopmen' of the area is definitely called for. To the extent possible, the Government is doing its best to see that more and more money is given for the development of the area. That is why we had the regional agency created, the North-Eastern Council, which takes care of the inter-State and other bigger projects which, in fact, benefit more than one State. That is how we are trying to bring about the speedy development of the area. But there is no denying the fact that these are areas which require greater attention and greater soeed in the work we have already undertaken.

Then, there is the point raised by Mr. Gujral. I am thankful to Mr. Morarka for expressing his view about these enactments which were drafted long back. There is no doubt that these laws have been well-conceived and well thought of. Now, for example, the railway agency which is there in Arunachal Pradesh. If you do not have the Railway Board Act of 1905, the working of that agency becomes an impossibility. It is on the request of the Arunachal Pradesh Government itself that we are trying to extend these enactments to that area. In regard to the Railways (Local; Authorities Taxation) Act, it is an enabl-.ng provision. When they *thank* that conditions are such where this kind of a levy would be necessary, at that stage, it would come into effect. Therefore, it is an enabling provision with the Railway Board.

Sir, I do not think there is any other point which requires a reply. I would request the House to pass this Bill.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : The Question is :

> That the Bill to provide for the extension of certain Central laws to the State of Arunachal Pradesh be taken into consideration.

The motion was adopted.

THE VICE-CHAIRMAN (SYED SiBTEY RAZI) : We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 *to* 5 *and the Schedule were added to the Bill.*

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : We now take up clause 1. There is one amendment, by Shri Chavan.

Clause 1—*Short title and commencement*

SHRI S. B. CHAVAN : Sir, I beg to move :

> "That at page 1, line 4, *for* the figure '1992', the figure '1993' be *substituted."*

The question was put and the motion was adopted.

Clause 1, *as amended, was added to the Bill.*

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : We now take up the Enacting Formula. There is one amendment, by Shri Chavan.

Enacting Formula

SHRI S. B. CHAVAN : Sir, I beg to move :

> "That at page 1, line 1, *far* the word 'Forty-third, the word 'Forty-fourth' be *substituted."*

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The title was added to the Bill.

SHRI S. B. CHAVAN : Sir, I beg to move :

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

THE CRIMINAL LAW (AMENDMENT) BILL, 1992

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : Sir, I move :

> "That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1973, be taken into consideration."

Sir, kidnappings by terrorises for ransom, for creating panic amongst the public and for securing release of arrested associates and cadres have assumed serious dimensions. The Government is greatly concerned at these developments. The existing provisions of law are inadequate to meet the cases of kidnapping for ransom. Indeed there is now no specific provision to deal with such cases. The Law Commission on its 42nd Report had recommended a suitable provision to deal with this menace.

The Bill seeks to amend the Indian Penal Code to provide for deterrent punishment to persons committing such heinous crimes and to make certain consequential amendments to the Code of Criminal Procedure, 1973.

I commend 'he Bill for the consideration of this August House.

The question was proposed.

SHRI O. RAJAGOPAL (Madhya Pradesh) : Sir, this question of kidnapping for illegal purposes is assuming grave proportions. There is a provision in IPC against kidnapping for wrongful confinement. This is section 365. There is section 364 which deals with kidnapping for the purpose of murder. These two provisions are there. Now a substantive provision is being introduced in this basic criminal law. I Shink here are certain other incidents of kidnappings which are not covered under this. For example, kidnapping of infants from hospitals. It is not for a ransom or for murder but we are observing such incidents. I do not know whether we should go on adding such type of criminal offences by adding new sections. Therefore, I would like to suggest that there should be a comprehensive provision under the head-•ng 'kidnapping for the purpose of any criminal offence'. That would be better. Otherwise, if we go on adding the offences, there will not be an end to it. The point of not including more and more provisions in the legislation has been made by many learned friend here. Therefore, there SHOULD be real sincerity or earnestness to implement legislation in an honest fashion rather than encumbering 'he statute-book with more and more provisions and sec-riens. I do not see that the present move ,v 11 be sufficient to tackle the growing menace of kidnapping for various purposes. There should be a comprehensive provision for this.

श्रीमती कमला सिन्हा (बिहार) : उपसभाध्यक्ष महोदय, यह जो विधेयक लाया गया है, क्रिमिनल ला अमेंडमेंट बिल, जिसके उद्देश्य के बारे में अभी गृह मंत्री ने बताया, उद्देश्य तो ठीक है लेकिन इसका दायरा इन्होंने बहुत कम रखा है। टेररिस्ट जब केवल किडनैपिंग करते हैं रेनसम के लिए उसके द्वारा जो पैनिक क्रिएट होता है लोगों के मन में भय के संबंध में यह विधेयक है। उसको तो यह दुरुस्त करना चाहते हैं लेकिन गृह मंत्री महोदय भूल जाते हैं कि केवल टेररिस्ट ही किडनैप नहीं करते हैं। इस अपहरण का काम केवल टेरोरिस्टों द्वारा ही नहीं होता बल्कि आर्गनाइज्ड गैंग भी पूरे देश भर में आपरेट कर रहे हैं और [illegible] करते हैं [illegible] [illegible], आसानी से रुपया मिल जाता, इसके लिये यह एक नया